

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

GORDON DUVIC,

Plaintiff,

v.

Case No. 8:23-CV-151-KKM-AAS

TARGET CORPORATION,

Defendant.

_____ /

ORDER

Defendant, Target Corporation (Target) moves to compel a Rule 35 physical examination of Plaintiff Gordon Duvic. (Doc. 25). This request is unopposed. (*Id.* at p. 6).

Rule 35(a) requires a party to file a motion demonstrating good cause and allows the court to enter an order for a physical or mental examination when a party's mental or physical condition "is in controversy." Fed. R. Civ. P. 35(a)(1). Mr. Duvic sues Target for negligence resulting injuries from a slip and fall incident on July 5, 2022, in Tampa, Hillsborough County, Florida. Mr. Duvic's physical condition in controversy and good cause exists for a physical examination.

Federal Rule of Civil Procedure 35(a) requires a party requesting to

compel such an examination to specifying “the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.” Fed. R. Civ. P. 35(a)(2). Target’s motion contains the requisite criteria.

Accordingly, Target’s motion for Rule 35 physical examination of Mr. Duvic (Doc. 25) is **GRANTED**. Mr. Duvic must appear at 10650 Red Circle Drive, Suite 501, Minnetonka, Minnesota, 55343, on September 21, 2023, at 2:15 p.m., for an examination by Dr. Anthony G. Bottini.

ORDERED in Tampa, Florida on September 11, 2023.

A handwritten signature in black ink that reads "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge